



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/695,518	10/24/2000	Christian Volf Olgaard	68139769-200300	3116
23418	7590	01/04/2006	EXAMINER	
VEDDER PRICE KAUFMAN & KAMMHOLZ 222 N. LASALLE STREET CHICAGO, IL 60601			MANIWANG, JOSEPH R	
			ART UNIT	PAPER NUMBER
			2144	

DATE MAILED: 01/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/695,518

Applicant(s)

OLGAARD ET AL.

Examiner

Joseph R. Maniwang

Art Unit

2144

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,8-14 and 16-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6,8-14 and 16-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 10/12/05.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102

2. Claims 1-6, 8-14, and 17, 19, and 20 are rejected under 35 U.S.C. 102(e) as being anticipated by Kobayashi (U.S. Pat. No. 6,633,759).
3. Regarding claims 1, 9, and 17, Kobayashi disclosed a method comprising submitting information about an interface client along a first wireless communication path to a user-driven wireless device in proximity of the interface client (see column 9, lines 40-45; column 13, lines 7-17); receiving content along a second wireless communication path from a remote source and conveying the content via the wireless device to the interface client along the first wireless communication path (see column 5, lines 3-14; column 13, line 62 through column 14, line 6; column 2, lines 37-39; column 4, lines 30-31); and displaying the content on a display of the interface client (see column 2, lines 39-40; column 4, line 32; column 13, lines 14-17; column 14, lines 9-11). Kobayashi disclosed a system comprising an interface client adapted for submitting information about the interface client (see column 4, line 21) along a first wireless communication path (see column 4, lines 24-25) to a wireless device (see column 4, line 23) in proximity of the interface client, the interface client having a displaying adapted for displaying content received by the interface client along the first wireless

Art Unit: 2144

communication path (see column 4, lines 30-32); and the wireless device, adapted for receiving along the first wireless communication path the interface client information (see column 9, lines 40-49), receiving the content along a second wireless communication path from a remote source (see column 4, lines 39-47) and conveying the content to the interface client along the first wireless communication path (see column 4, lines 30-32), wherein one of the interface client, the wireless device and the remote source is adapted to format the content based on the submitted information from the interface client (see column 10, line 65 through column 11, line 3).

4. Regarding claims 2 and 10, Kobayashi disclosed receiving a signal from the wireless device when the wireless device is in proximity of the interface client prior to submitting the information about the interface client to the wireless device (see column 9, lines 34-36; column 12, lines 8-10, 54-60).

5. Regarding claims 3 and 11, Kobayashi disclosed the signal from the wireless device transmitted from the wireless device in response to a prior signal transmitted from the interface client (see column 2, lines 35-37; column 9, lines 27-28; column 12, lines 1-2, 52-53).

6. Regarding claims 4 and 12, Kobayashi disclosed the signal from the wireless device including information identifying a user of the wireless device (see column 9, lines 34-36).

7. Regarding claims 5 and 13, Kobayashi disclosed the information about the interface client including information about the capabilities of the interface client (see

Art Unit: 2144

column 9, lines 40-45) and information about an input device of the interface client (see column 12, lines 25-27; column 13, lines 7-17).

8. Regarding claims 6, 14, and 19, Kobayashi disclosed the remote source as a server (see column 4, lines 44-47).

9. Regarding claims 8 and 20, Kobayashi disclosed the content formatted based on the submitted information about the interface client (see column 12, lines 22-32).

Response to Arguments

10. Applicant's arguments filed 10/17/05 have been fully considered but they are not persuasive.

11. Regarding claims 17-20 rejected under 35 U.S.C. 101 as being directed toward non-statutory subject matter, Examiner acknowledges Applicant's amendments to the claims in overcoming the rejections. The rejections have been withdrawn.

12. Regarding claims 1-6, 8-14, 17, and 19-20 rejected under 35 U.S.C. 102(e) as being anticipated by Kobayashi (U.S. Pat. No. 6,633,759), Applicant traverses the rejections as follows.

13. Specifically, regarding claims 1-6 and 8, Applicant asserts that Kobayashi does not teach a user-driven device as required by claim 1. However, Examiner submits that Kobayashi reads upon the limitation of a user-driven device as claimed. While Applicant defines user-driven as residing at the user and under the user's direct and physical control, Examiner submits that the term "user-driven" as presented in the claims has a broader recitation. It is noted that the features upon which applicant relies

Art Unit: 2144

(i.e., a wireless device residing at the user and under the user's direct and physical control) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims.

See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). As such, Kobayashi clearly teaches a user-driven wireless device, as it was disclosed that a cellular phone accepted manipulation requests as a user-inputted command (see column 13, lines 7-17, 31-39, 50-56) and was thus user-driven as claimed.

14. Regarding claims 9-14, Applicant further asserts that Kobayashi does not teach or suggest formatting content for display based on the submitted information from the interface client. Examiner submits that such a feature was taught by Kobayashi, as it was disclosed that transmitted data could be changed according to the size of a display screen (see column 10, line 65 through column 11, line 3). Applicant also asserts that Kobayashi does not disclose submitting information to a wireless device where at least some of the submitted information is used to format content for display. Examiner submits that the broad concept of using submitted information for formatting content is clearly taught by Kobayashi, as the content formatting disclosed by Kobayashi is performed based upon information submitted by a PC (see column 10, line 65 through column 11, line 10).

15. Regarding claims 17 and 19-20, Applicant further asserts that Kobayashi does not disclose submitting information about the interface client to the wireless device, including capabilities, display capabilities, input device information, or location of the interface client. Examiner submits that Kobayashi taught such a feature, as it was

Art Unit: 2144

disclosed that a PC could transmit information to a cellular phone describing its various software capabilities available to the cellular phone (see column 8, lines 47-55; column 9, lines 40-53).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

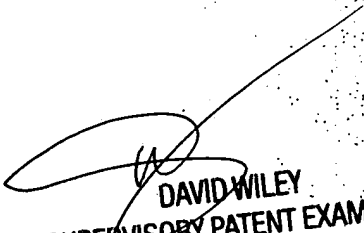
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph R. Maniwang whose telephone number is (571) 272-3928. The examiner can normally be reached on Mon-Fri 8:00-4:30.

Art Unit: 2144

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JM


DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

**This Page is Inserted by IFW Indexing and Scanning
Operations and is not part of the Official Record**

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- ☐ **BLACK BORDERS**
- ☐ **IMAGE CUT OFF AT TOP, BOTTOM OR SIDES**
- ☐ **FADED TEXT OR DRAWING**
- ☐ **BLURRED OR ILLEGIBLE TEXT OR DRAWING**
- ☐ **SKEWED/SLANTED IMAGES**
- ☐ **COLOR OR BLACK AND WHITE PHOTOGRAPHS**
- ☐ **GRAY SCALE DOCUMENTS**
- ☐ **LINES OR MARKS ON ORIGINAL DOCUMENT**
- ☒ **REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY**
- ☐ **OTHER: _____**

IMAGES ARE BEST AVAILABLE COPY.

As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.